



***de maximis, inc.***

186 Center Street  
Suite 290  
Clinton, NJ 08809  
(908) 735-9315  
(908) 735-2132 FAX

April 15, 2013

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 7 – March 2013  
Lower Passaic River Study Area (LPRSA)  
River Mile 10.9 Removal Action  
CERCLA Docket No. 02-2012-2015**

Dear Ms. Vaughn:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the month of March, 2013.**

**Meetings/Conference Calls**

- On March 14, CPG provided an overview to the CAG of the RM 10.9 Removal Action Community Health and Safety Plan.
- At the March 14 CAG meeting, CPG was requested to consider hiring Job Training Initiative (JTI) participants for the Removal Action.
- On March 20, EPA requested in a telephone call that CPG initiate a JTI using JTI workers from the Phase 1 Removal; EPA would provide information to CPG on these workers.
- On March 28, CPG and EPA held a teleconference to discuss NJDEP's Permit Equivalency process and its possible impact on Removal Action schedule.

**Correspondence**

- On March 1, EPA approved a revision to QAPP Addendum D's pore water extraction procedure.
- On March 6, EPA posted for public review the draft Final Design report on [ourpassaic.org](http://ourpassaic.org).



**Ms. S. Vaughn**

**RM 10.9 Removal Action - Progress Report No. 7 – March 2013**

**April 15, 2013**

**Page 2 of 4**

- On March 13, CPG requested approval from EPA to proceed with creation of a third pore water composite sample to support RM 10.9 Characterization QAPP Addendum D (QAPP Addendum D) data collection.
- On March 14, EPA approved CPG's proposal to generate a third pore water sample.
- On March 14, NJDEP provided initial comments and requested additional information on CPG's Waterfront Development Permit-equivalent (WDP) application
- On March 18, CPG provided additional hard copies of the draft Final Design Report to NJDEP to for its review of CPG's WDP application.
- On March 18, CPG received additional comments from NJDEP on CPG's WDP application.
- On March 20, NJDEP clarified some of its data requests associated with review of the WDP application to CPG.
- On March 21, CPG provided NJDEP with some of the information that NJDEP requested, and asked for clarification on other requests.
- On March 21, NJDEP provided CPG a letter requesting additional information to support the CPG's WDP application.
- On March 22, CPG submitted to EPA a Field Modification to QAPP Addendum D to for deployment of submerged meters for measuring seepage velocity in the Removal Area.
- On March 25, NJDEP Bureau of Tidelands confirmed to CPG that the CPG's Tidelands License-equivalent application was complete.
- On March 26, CPG requested EPA review of a planned notice to Passaic River boat clubs and communities regarding the deployment of the seepage meters.
- On March 29, EPA provided initial comments on the draft Final Design Report to CPG.
- On March 29, EPA provided comments on the proposed Field Modification for seepage measurements to CPG.

### **Work**

- CPG hand delivered notification letters required by both the Tidelands and WDP applications, to the Passaic River Coalition concerning RM 10.9 Removal Action after receiving confirmation that the Township of Lyndhurst official list of property owners adjacent to RM 10.9 Removal Area contained an outdated address.
- CPG extracted pore water from RM 10.9 Removal Area sediment cores and generated 3 composite samples pursuant to QAPP Addendum D.
- CPG submitted pore water samples for chemical analysis.
- CPG reviewed Clean Earth Technologies' "Potential to Emit" calculations in support of their request for a modification to their NJDEP air permit
- Clean Earth conducted stabilization bench-scale tests with RM 10.9 sediment samples requested by NJDEP.



**Ms. S. Vaughn**

**RM 10.9 Removal Action - Progress Report No. 7 – March 2013**

**April 15, 2013**

**Page 3 of 4**

**(b) Results of Sampling and Tests**

- No validated analytical results were obtained or submitted in March 2013.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion**

- CPG will complete analytical activities associated with QAPP Addendum D and submit the resulting data package.
- CPG will install temporary seepage meters in the RM 10.9 Removal Area and determine site-specific seepage velocities.
- CPG will respond to comments on the draft Final RM 10.9 Removal Action Design Report and submit a revised report.
- CPG will propose a Water Quality Monitoring program to support dredging activities.
- CPG will propose an Air Quality Monitoring program to support dredging activities.
- CPG will continue evaluation of design and material options for the cap active layer and propose a final cap design.
- CPG will identify its dredging, treatment and disposal vendors to implement the Removal Action.
- CPG's dredging, treatment and disposal vendors will draft construction plans for implementation of the approved Final Design.
- CPG will draft a Post Construction Cap Maintenance and Monitoring Plan.
- CPG will continue working with potential stabilization vendors to assist them in NJDEP air and Acceptable Use Determination applications associated with handling RM 10.9 Removal Action sediments.
- CPG will obtain a report on stabilization bench-scale testing and submit to NJDEP.
- CPG will continue discussions with Passaic River boat clubs and the Lyndhurst Fire Department regarding implementation of the Removal Action and minimization of impacts on their respective uses of the River.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays**

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.
- CPG requested NJDEP to issue conditional approval of its WDP application by April 16. This is the deadline set by the Bureau of Tidelands so as to have CPG's Tidelands application reviewed at the May Tidelands Council meeting. CPG provided supplemental information requested by NJDEP to support the WDP application, but the status of approval is still uncertain.

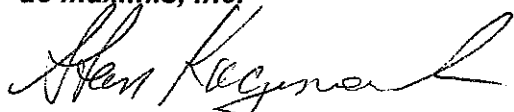


**Ms. S. Vaughn**  
**RM 10.9 Removal Action - Progress Report No. 7 – March 2013**  
**April 15, 2013**  
**Page 4 of 4**

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

**de maximis, inc.**



Stan Kaczmarek, PE  
RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel  
William Hyatt, CPG Coordinating Counsel  
Jay Nickerson, NJDEP  
Roger McCready, CH2M Hill